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A

REVIEW

OF THE

REASONS GIVEN FOR ESTABLISHING A REGISTRY OF SLAVES IN THE BRITISH COLONIES

IN A

REPORT OF A COMMITTEE OF THE AFRICAN INSTITUTION,

ENTITLED

“ REASONS,” &c. &c.*

It is much to be wished that some persons competent to the task would write a full and impartial history of the Abolition of the Slave Trade. No single event is more curious or important. The same generation of men heard the first promulgation, and have witnessed the final triumph, of the great principles of mercy and justice which form the charter of freedom to the unnumbered nations of Africa. Sentiments which, in the recollection of every man of mature age, were derided, even in the sanctuary of liberty and science, as the visions of fanatics, have now been solemnly adopted into the great code of National Law by all the states of the civilized world. Never was a contest more arduous, nor a victory more complete. Yet when the historian of this great revolution had, in the course of his narrative, arrived at the present period, he

would close his volume with a strange union of exultation and alarm. After recording successes surpassing the hopes of the most sanguine, he would perceive that the final deliverance of Africa had not yet been accomplished.—Two nations in the centre of the Christian world still sanction a system which they have concurred to reprobate as merciless and inhuman.—In the Western Hemisphere every maritime state of Europe yet holds in bondage the natives of Africa or their descendants. The colonies, which have so long been the disgrace of one continent, and the bane of the other, remain without a reformation or even a visible change in their domestic system. Whatever motives once prompted the proprietors of land in those settlements to encourage the desolation of Africa, still operate with undiminished force. Prohibitory laws

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may have abridged the resources of guilt, but they have not destroyed the inducement to the commission of it. With such a scene before him, the writer whom we have imagined would doubtless close his labours with an earnest warning against a premature and indolent security. Whilst the Slave Trade is either publicly tolerated, or privately carried on; while any means of openly resisting, or secretly evading this great law of nations are yet unobstructed; while the temptation or the power to violate it exists; so long the hopes of humanity are unfulfilled, and its labours unfinished.

It has been the peculiar advantage of the Abolitionists, that the leaders in their controversy have been eminently fitted for that high station. They have been accomplished statesmen, learned in the theory and practised in the arts of government. Men of this class are distinguished by nothing more than their aversion to equivocation in the statement of their principles, and to compromise and half measures in their course of conduct. From the first day of that ever-memorable contest, Mr. Wilberforce in this spirit declared, that he aimed at nothing short of the utter extinction of the Slave Trade. The abolition of it, by an Act of the British Parliament, was proposed as the first, in time and in importance, of the measures which he contemplated; but, assuredly, it was never for an instant represented by that eminent character as the single end of his efforts. After many a hard-fought day, this great act of national justice was performed. But the leader in that conflict was too well acquainted with the world to be ignorant of the general inefficacy of penalties and mere legal prohibitions. What the British Parliament had forbidden to be done, he therefore next endeavoured to render impracticable. Knowing that multitudes estimate the moral character of ac-

tions merely by the words used to describe them, the Abolitionists procured the enactment of a law, declaring the trade in slaves to be a felony. Apprehending that, under the protection of foreign flags, the West-Indian seas would still be covered with African traders, they laboured with unwearied diligence to procure the concurrence of other States in the condemnation of that traffic. Not content, however, with these precautions, they now propose to take a further security against the same dreadful evil. The plan which, in its present Report, the African Institution has submitted to the public, is only, as is well known to those who have attended to these discussions, one of that series of measures which has long been contemplated for the same general purpose—the *entire* suppression of the trade in African Negroes.

But is not this danger imaginary? Is it possible to shew either that an illicit importation of slaves actually exists at present, or will probably exist hereafter? In answering this inquiry, the natural course seems to be, first, to consider what is probably true, and then to ascertain what is positively attested. A very little direct evidence, in support of any assertion which is in itself easily credible, will be sufficient to induce the most perfect conviction of its truth. On the contrary, testimony the most distinct, consistent, and circumstantial will seldom enforce belief when advanced in support of any very improbable narrative. On which side, then, does the presumption of truth lie in the present case? Is it or is it not reasonable to believe, that since the Abolition of the Slave Trade any considerable number of African Negroes have been imported into our West-Indian islands?

From that period, nine years have elapsed, and in the interval there has scarcely been a State in Europe whose flag would not have

fforded a legal protection to a slave cargo. If any person, therefore, wished to evade the law, his intentions would not have been defeated from the want of fit and ready instruments. A ship under the colours of Spain, with a crew and supercargo of the same nation, might on any day, since the year 1807, have been fitted out on British account at Cadiz, for a voyage to the African Coast and the West Indies, with scarcely the possibility of detection. On her arrival in Africa, no hindrance would arise to obstruct the operations of slaving. The cessation of the direct British trade would give to such an adventurer a sort of monopoly in the African market, and his purchases would therefore be made with unusual economy and dispatch. In the subsequent voyage of the same ship to Cuba, or Porto Rico (lawful ports of destination), she would still encounter no impediment. The course of her voyage would bring her within hail of the shores of our colonies, at many points accessible by boats, remote from the habitations of public functionaries, and frequented only by the planter and his gang. Here then is a market, in which, with little risk, a slave trader may sell his human cargo. Now, is it at all improbable that he will seek a market so apparently inviting? Does it require much evidence to prove that a merchant will eagerly traffic in a commodity which, with a very slight danger of loss, he can buy in one country where its price has fallen, and sell in another where its value has largely increased?

In such a transaction, the Spanish trader, and the purchaser in the West Indies, if not also the British merchant, must concur. The two last of these would violate the recent and solemn laws of their country, would expose themselves to the risk of heavy penalties, and commit an act which all men would now concur to reprobate as barbarous and unchristian. Is not, then, the

apprehension of these consequences sufficient to deter the most daring from the commission of the offence? That the terror of punishment and infamy will often restrain those who know no other fear, is unquestionably true. If it were not so, human legislation would be an idle mockery. Yet the efficacy of penal laws, upon the conduct of those who acknowledge no higher and more generous obligation, is by no means certain. Now, with respect to the crime of slave trading, one thing is quite clear, that not only the great mass of society in the West Indies, but a large number of persons in this country, consider it as no crime at all. Nine years have not elapsed since they proclaimed this opinion loudly and earnestly. In the Parliament of Great Britain this doctrine was supported by advocates of high rank and great public consideration. In the Colonial Assemblies not a solitary voice was raised to oppose it. In addresses, in speeches, in votes and resolutions, the Slave Trade was there justified, nay, applauded, as an excellent scheme for mitigating the horrors of African bondage: The same things are not said now, it is true. No man who should adopt, and promulgate as his own, the opinions of the late Council and Assembly of Jamaica on this subject, would find admittance into decent society. But why suppose this silence the result of conviction? For what reason are those, who, under the constraining power of an Act of Parliament, and the no-less-constraining force of public opinion, depart from the profession of faith of the West-Indian legislatures, entitled to unreserved credit? Has any argument been advanced since the year 1806, which had not been reiterated before? Have any new facts been discovered, or has any new light broken in on them, since that time? If we give these men credit for the sincerity of their past professions, what motive, except the dread of punishment, can now prevent their

continuance of the practice they so lately defended and extolled? How far, then, is this fear likely to operate? Just so far as the law can be enforced with vigilance and rigour. Like any other felon, the slave trader will calculate the means of detection and his chance of escape, and will act accordingly. Now, in the transaction we have supposed, there may be two parties to the offence; the British owner, and the West-Indian importer.

The first of these persons must be a moderate proficient indeed in the base arts of simulating papers, if he suffers a fragment to appear in the ship's documents to betray his interest in the cargo. To the master and mariners of the vessel it would perhaps be unnecessary to divulge so important a secret: but even if it were not, the commerce of our country was, alas! so long degraded by a system of audacious perjury, that they who can stoop to such practices will now never want inventions to conceal, and fit instruments to perpetrate, the most extensive schemes of illegal profit.

In the West Indies the chance of detection or of punishment is still more remote. So long as the testimony of Slaves is rejected (under what pretext of law we know not) in the colonial courts, felonies and crimes of every order may be committed by White Men, in their presence, with impunity. So long as the presumption of slavery attaches to every Negro who does not carry with him the evidences of his freedom, the wretched African captive himself will labour under all the fatal consequences of that presumption. Even could he find an opportunity in which to state his wrongs, a magistrate to hear, or language to express them; yet, as a slave, he would be unable to maintain an action for the recovery of his freedom, or to give evidence in any criminal prosecution which might be instituted against the person by whom he had been purchased.

Consider also by whom the supposed offender, if discovered and accused, is to be tried. By judges and a jury of his brother-colonists—men who, as usually happens in those small communities, are connected with himself by family ties or by local interests; men, also, who have so lately united to defend in public the very practice which constitutes the offence of the supposed culprit, and who may too often be subject to the suspicion of similar delinquency. In this situation, is the chance of detection, of accusation, or of conviction, very formidable? Is it sufficiently so to restrain men who, by their own repeated avowal, acknowledge on this subject no restraint of conscience?

So far, therefore, it does not appear that an illegal importation of slaves into the West-Indian islands is an event highly improbable in itself. The same conclusion will not less clearly follow from a short review of the interior condition of those settlements.

There is no state of society which forms so perfect an anomaly among civilized nations, as that which exists in the West Indies. The relation of master and slave, as it obtains there, was never known in modern Europe, nor in any part of the continent of Asia: the forms and principles of their internal government resemble nothing with which history has made us acquainted. The character of the White population, the political and moral condition of the free People of Colour, the mode of husbandry, the nature of the interest which the occupier holds in the soil, and the *corpus* of written and unwritten law promulgated or recognised by their legislatures, are all utterly unprecedented. Whether they have done wisely in thus departing from the beaten paths of law and policy, or whether the habits of thought and action which they have struck out for themselves are more or less prudent and generous than those of their European ancestry and kindred, few

amongst us know or care to inquire. The manners, the polity, the arts of New Zealand, of Cairo, of Petersburg, of Philadelphia, who cannot describe? But where is the man who could give, or the audience who would listen to, any account of the state of Barbadoes, Surinam, or St. Vincent? Nothing certainly can be more natural than this. There is no one, profound or frivolous, who is not eager to extend his knowledge of the character of his fellow-men. In a faithful delineation of the manners of a Parisian, or a Hottentot, a few will find matter for deep reflection, and every one a source of amusement and interest. There is one link only in the chain which excites no attention: man in a state of absolute domestic slavery is, to those who devote their days to amusement or to speculation, quite uninteresting. With nothing to hope, and therefore with little to fear; governed neither by interest, by passion, by ambition, nor by affection; exhibiting neither the lawless daring of savage life, nor the amenity and grace of polished society; the slave is an object of curiosity with two classes of persons only—those who seek to mitigate his misfortunes, and such as are led by their avocations to study the market-prices of their fellow-creatures.

A state of ignorance thus natural would be a matter of little concern, if we considered only the interests of science. But when it is remembered how fatally this general darkness protects the abuses necessarily inherent in any system of domestic slavery, no humane man will think it a slight evil. It is the glory of the age, and especially of the country, in which we live, that no considerable innovation can take place, without the concurrence of the great body of the people. But this benefit is not enjoyed without some important compensations. Too often fundamental principles are to be taught, when the period for applying them to practice has

arrived; and reasoning the most cogent fails to convince, because men have few grounds in common, from which to deduce their arguments. In all discussions which relate to the condition of our slave colonies, this inconvenience is very sensibly felt. Men reason respecting them upon analogies which have no foundation in truth, and therefore give an easy credit to assertions the most fallacious. A greater service could not be rendered to humanity, than to exhibit to the world a minute picture of the state of the Negro population of the West-Indian islands, of their legal disabilities and actual condition. But there is perhaps only one man in this country, who, from an union of professional studies and personal experience, is in possession of the materials from which such a delineation could be made.

It is no ⁱⁿconsiderable advance in any controversy, when the disputants on either side have arrived at any one common conclusion of fact. In the abolition-question, there was one such ground of argument which, as far as we remember, was conceded on all sides: no one doubted that the stock of slaves was not regularly maintained by natural increase. Very different solutions of the cause of this deviation from the ordinary course of nature were advanced, and practical inferences the most opposite were deduced from it. The fact itself, however, was loudly proclaimed by the West-Indian party. They asserted, that, from inevitable causes, a very great inequality existed, amongst their Negroes, between the number of the sexes; that the females were comparatively few, and the births consequently very rare in proportion to the extent of the adult population; and they inferred the necessity of a continued importation to supply the waste of the existing stock. Mr. Wilberforce and his followers, on the other hand, advanced a different solution of the same phæno-

menon. They contended, that the numerical inequality of the sexes was greatly exaggerated; that the Negro race, like all other inhabitants of tropical climates, was naturally prolific to a great degree; that their decrease in the West Indies was to be ascribed to the disuse of marriage, to the consequent profligacy of manners, to inattention to the health of pregnant women, to insufficient food, and to extreme and murderous agricultural labour. They insisted that all these abuses afforded an adequate explanation of the continual diminution in the numbers of slaves; that the facility with which a planter could supply by importation the waste of his gang exposed him to a continual temptation to commit those enormities by which their numbers were reduced; and that as long as buying continued to be a cheaper means of recruiting the stock than breeding, so long the slaves would be prematurely worn down to the grave.

The conclusion they drew from these premises was, that measures should be adopted by Parliament for the effectual prevention of the external supply; and, as the first and chief of these measures, that the Slave Trade should be declared illegal. Nothing, we think, can be more just than this reasoning; yet, without some attention, the accuracy of it will not be fully perceived. In a state of domestic servitude, men have never been known to maintain their numbers, so long as their loss could be supplied by foreign importation. Every one who cultivates land by the manual labour of others must maintain on his estate such a number of able-bodied labourers as may be sufficient for the various purposes of agriculture. If he hires freemen, he will engage with such only as are strong and active. If he purchases slaves, he will, for the same reason, select men in full health and in the prime of life. In neither case will he wish to en-

cumber himself with the young, the aged, or the decrepid. The master of slaves is not, however, at liberty wholly to decline these burdens. As he assumes to himself all the rights, so he incurs many of the natural obligations, of his bondman, and among them the duty of supporting his infirm parent or helpless offspring. His obvious policy, therefore, is to avoid these burdens as far as possible: in other words, it is his interest that the females on his estate should not bear children, and that the active labourers should not, by the progress of years, become helpless supernumeraries. If his humanity forbids him to prevent the propagation and longevity of his slaves, his interest forbids him to promote it. He may perhaps abstain from murderous severities, but he will hardly exert any tender or watchful care to create or keep alive incumbrances on his own property.

"The comparison is shocking between the management of human creatures and that of cattle; but being extremely just, when applied to the present subject, it may be proper to trace the consequences of it. At the capital, near all great cities, in all populous, rich, industrious provinces, few cattle are bred. Provisions, lodgings, attendance, labour, are there dear; and men find their account better in buying the cattle, after they come to a certain age, from the remoter and cheaper countries. These are consequently the only breeding countries for cattle; and, by a parity of reason, for men too, when the latter are put on the same footing with the former. To rear a child in London, till he could be serviceable, would cost much dearer than to buy one of the same age from Scotland or Ireland, where he had been bred in a cottage, covered with rags, and fed on oatmeal and potatoes. Those who had slaves, therefore, in all the richer and more populous coun-

tries, would discourage the pregnancy of the females, and either prevent or destroy the birth. The human species would perish in those places where it ought to increase the fastest; and a perpetual recruit be wanted from the poorer and desert provinces. Such a continued drain would tend mightily to depopulate the state, and render great cities ten times more destructive than with us; where every man is master of himself, and provides for his children from the powerful instinct of nature, not the calculations of sordid interest. If London, at present, without much increasing, needs a yearly recruit from the country of 5000 people, as is usually computed, what must it require, if the greater part of the tradesmen and common people were slaves, and were hindered from breeding by their avaricious masters?"—*Hume's Essays*, vol. I. pp. 405, 406.

Such is the general history of population, in a country where manual labour is usually performed by slaves. This reasoning applies with peculiar force to the state of the West-Indian colonies.

Of all the sources of private revenue in this country, the profits of agriculture are the least precarious. No man can calculate with so much reason, on a regular and permanent income, as the proprietor of land. In the West Indies, the case is very different: the culture of the soil is there a commercial speculation more hazardous, probably, than any of the other countless forms of adventure which the trading spirit of this great mercantile empire has devised. A sugar plantation is an establishment of great magnitude, and of a very costly nature: of this the Negroes form the most valuable part. But it is also provided with cattle, implements of husbandry, mills, and other buildings, which, from the destructive effects of the climate, must frequently be renewed or repaired at a heavy expense. For this purpose, mechanics of every descrip-

tion are maintained on the estate: to these are to be added medical attendants, drivers, white overseers or book-keepers, and a manager. The cultivator has not to pay the wages of labour, but he is compelled to import from foreign markets provision and clothing for his slaves; and he must erect and maintain huts for their residence. For every species of manufacture, down to the meanest utensil of common life, he is dependent on other countries, and he therefore consumes them at a price enhanced by the freight, and other incidental expenses of carriage and importation. The soil which he cultivates is eminently capricious. It demands unremitting vigilance, and great experience and skill. But after all that art can accomplish, many successive seasons often pass away without producing a crop sufficient to replace the expenses of cultivation. The population of the West-Indian islands themselves, consume only a very inconsiderable proportion of their own staple commodity. The real market is in Great Britain; and the planter, therefore, in addition to his other burdens, has to pay the freight, and charges of shipping his sugars, to this country. When arrived at their place of destination, his produce has still to incur the risks of a market incessantly fluctuating, and must frequently be warehoused for a long period of time, in the prospect of a future advantageous sale.

For all these reasons no man can engage in the business of planting, who has not at command a large ready-money capital. Without such a resource, he could neither stock his estate, manufacture his sugars, nor maintain himself during the long period which must often elapse before he receives any returns from Europe. But as men of large capital seldom care to quit the comforts of residence in England, to pursue a toilsome occupation under a pestilential climate, they who engage their fortunes in these spe-

culations very rarely superintend them in person. The proprietors of an immense majority of the West-Indian plantations cultivate them on funds borrowed from the merchants of Bristol, Glasgow, Liverpool, or London. These loans are secured by mortgages of their lands and Negroes; and as an additional consideration for such advances, the borrower engages to consign the produce of his estates to the person by whose capital they are maintained. If the planter is unfortunate, or his lands unproductive, the merchant is often forced gradually to extend his supplies till they have equalled or exceeded the whole value of the pledge. A contest then commences for the possession of the estate, and this dispute not seldom issues in the bankruptcy of both of the contending parties. The plantation and slaves are then sold under a judicial process to some new adventurer, who, in his turn, runs the same course of borrowing, insolvency, and ruin. This is the ordinary history of these transactions. There are, however, some exceptions: occasionally, and under very favourable circumstances, a West-Indian plantation repays its expenses with the most unobtrusive interest; and a few abundant crops have sometimes created fortunes which princes might envy. These are the prizes in the lottery. Every man is playing a game full of interest and hazard. Ruin and perpetual banishment from his native country on the one hand, and princely magnificence on the other, are the alternatives before him. In the smaller islands at least, the planter considers himself as in a state of voluntary exile, for which he is to be hereafter indemnified by a life of affluence and splendour in England. Sober industry, and the patient accumulation of regular profits, form no part of his system of conduct. He is a debtor involved in embarrassments, and an adventurer immersed in speculations. He lives in an endless vicissitude of hopes

and fears, of financial expedients, and legal chicanery.

There is no code of morals, however lax, which does not reprobate the character of a gamester. All men admit, that his habits tend to harden and brutalize the heart. Now, if the practice of braving desperate risks of fortune is alone sufficient to create these propensities, need it be doubted that a more determined ferocity of mind will be cherished by him whose hazardous pursuit of wealth can succeed only by exacting incessant labour from his fellow-men. He who, under the pressure of pecuniary difficulties, rigidly respects the rights of others, has no lesson of self-denial more arduous to learn. But to expect that such forbearance should be shewn to those who are wholly at our mercy, and by the oppression of whom we have a prospect of escape from our difficulties, is much more than ordinary experience of human virtue will justify. Now the West-Indian (we speak generally; there are doubtless many exceptions, especially in the larger islands), is at once a gamester and insolvent. If his gains can be secured, or his distresses avoided, by the sufferings of his slaves, he acts only as other men in similar situations act, by inflicting those sufferings upon them. It is no uncharitable imputation to suspect that if his interests are opposed to theirs, he will pursue his own. There is no reason why very strong temptation should not have the same power over him as over other men.

From this view of the course of West-Indian agriculture, the following inferences appear to follow: first, that they who engage in it are seldom in circumstances sufficiently prosperous to afford their slaves the maintenance necessary for their health and comfortable support; secondly, that the planter's scheme of life frequently requires a great sacrifice of future benefit, in the hope of present

gains; thirdly, that this sacrifice must frequently be made at the expense of the strength and lives of the Negroes on his estate; and lastly, that in the view of such adventurers, the importation of the necessary number of full-grown field-labourers will obviously be preferable to the slow and less certain supply arising from their natural increase. The general conclusion is, that the great body of West-Indian planters are exposed to a constant temptation to discourage the natural propagation of their slaves, by insufficient food and excessive labour, and to supply the waste by importations from Africa.

We recur then to our former general position, the probability of the growth of an illegal Slave Trade. The case is shortly this. In the colonies, and in this country, there is a large body of persons, planters, merchants, ship-owners, and mariners, who conceive they have a deep and permanent interest in the continuance of this traffic; who by their own avowal are withheld by no scruples of conscience from embarking in it; who can be restrained from such speculations by nothing but the fear of detection; and who, by artifices that are obvious and easy of execution, may evade that danger.

The apprehension of an extensive violation of the existing law, under such circumstances, is surely no idle or unreasonable fear.

Presumptive evidence, however, it may be argued, is often an unsafe guide. We proceed, therefore, to consider the nature and amount of the positive testimony which is offered in proof of the existence of an illegal Slave Trade. But while we do this, we are far from admitting that the strength of our cause depends on the amount of the evidence by which an actual importation of slaves into the colonies may be substantiated. The measure of a Registry Bill is imperiously called for, no less by the necessity of cutting off all hope of a future

supply of slaves from Africa, than by that of preventing present violations of the abolition laws.

The clearest proof of the fact of illicit importation would, doubtless, be the judicial conviction of the smugglers. A lower, though still a very convincing, evidence would be the open, though extra-judicial testimony of the White residents in the West-Indian islands, in legislative or other public acts. A similar declaration by the Negro population, or by the imported captives themselves, would also supply a proof of great weight.—Now we admit that we can produce no such evidence.

The want of judicial convictions and of *public* statements of the practice, either by the White, or the Coloured, population of the islands, we conceive, however, to be perfectly consistent with the open, notorious, and frequent violation of the Abolition Laws. To illustrate this, let it be supposed that a cargo of African Negroes were put on shore at the island of Nevis. In that colony, the number of slaves is stated* to be 9326; the number of White inhabitants, men, women, and children, only 501. Only one person in nineteen, therefore, even if we assume the whole 500 to be adults, is competent to give evidence in a court of justice. The slave-trader is consequently exempt from all risk of conviction from the evidence of the great mass of the population of the colony. Besides this, Nevis contains† 16,720 square acres of land; and in this extent of country, the smuggler must be inexpert indeed, if he does not carry on his trade out of sight of the privileged five hundred. Suppose, however, the fact to be otherwise, and that he should land his cargo in the very harbour of Charlestown, the capital of the settlement, he would find the mass even of the White population disposed to favour his attempt, rather than

* See House of Commons papers, printed 12th ~~January~~, 1815, p. 104.

† Ibid. July 134

to prevent and punish it.—But some reliance, it will be said, may be placed on the public functionaries of the island. Who then is the collector of the customs, by whom the offender is to be prosecuted? The *Rev. Lockhart Gordon*, well known in this country as the chief actor in the tragical story of the unfortunate Mrs. Leigh. Before what judges would the offender be tried? Before the assessors of the same *Rev. gentleman*, who himself graces the bench of the supreme civil and criminal courts of that island. Such is the *judicial* establishment of Nevis: and since the acquittal of Mr. Huggins, the temper of the *juries* of that settlement has not been wholly unknown in England. That convictions of slave traders in due course of law should not have taken place there, may therefore be readily accounted for, without supposing a perfect absence of guilt. Their impunity, indeed, assured as we are that numerous importations have actually taken place, is one strong ground of passing the present bill.—The Council and Assembly would, however, it may be thought, enter a solemn and public protest against so shameless an inactivity in the officers of public justice. If there are any who entertain such an opinion, they probably have not been informed that, within a few years, an act was passed by this legislature imposing a tax of 500*l.* currency on the emancipation of a slave; that since the date of the acquittal of Huggins, several of the jury who pronounced that verdict, have been elected into the colonial assembly, so as to form an actual majority of its members; and that the same well-known character possesses, in the election of that body, an authority precisely analogous to that exercised by the dukes of Norfolk in the nomination of burgesses for the independent borough of Arundel. Such is the aristocracy of the island. The lower ranks are composed of such

persons as overseers, hucksters, clerks, retailers of spirits, &c. who in Nevis, as in other places, are dependent on their superiors, adopt their feelings, and labour to conciliate their kindness. It is not then, we think, reasonable to expect from such a society any loud or earnest denunciation of an illegal Slave Trade, or even to hope that the majority of those who compose it should not actively co-operate in the crime.

That the party aggrieved, or those of his own complexion, should not make their complaints heard by the world, is still less strange. To whom are such representations to be addressed? In what manner are these poor beings, confined to their owners' estates, ignorant of European languages, trembling under the cart-whip, and watched with sleepless jealousy, to unite in complaints against their oppressors? And even if they could, it would not avail. The testimony of a slave, or even of an alleged slave, would not be heard in any West-Indian court.

We quote Nevis merely as an example. Its constitution and its policy, its laws and society, are not to be distinguished, but by slight and immaterial shades, from those of the neighbouring islands. The absence, in such communities, of convictions and public avowals of an illegal Slave Trade, allowing it to exist, may therefore be satisfactorily explained.

The Report before us furnishes an illustration of this remark, which is too apposite to be omitted.

“About thirty years ago, a man was bold enough to inform, in one of the most important and most polished of the Leeward Islands, in a case of prohibited importation. He was immediately seized, tried publicly by a self-constituted court, convicted of the foul offence of being an informer, and sentenced to tarring and feathering, and perpetual banishment. Accordingly, in contempt of his privileges as a White Man, he was stripped to the skin, covered with tar and feathers, and carried, with a drum beating the Rogue's March, at mid-day, through all the streets of the town; no ma-

gistrate or peace-officer daring or choosing to interfere. He was next put on board an American ship then passing the harbour, and carried off as a convict to the distant island of Jamaica, from whence he could not return to his home without going first to North America. He had the hardihood, nevertheless, in a few months to return; called on the government for redress; and the Attorney-general was ordered to prosecute the judge of the mock tribunal, and the immediate executioners of the sentence. He did so, with much zeal, for the honour of the government; but to no effect. Not a witness but the prosecutor himself could be found to depose to facts which one half of the free population of the island had seen; and the jury, some of whom could probably have confirmed him as eye-witnesses, chose to disbelieve him, and found a verdict of NOT GUILTY. The man who had been kept in gaol for his security during the prosecution, was glad at the end of it to become a voluntary exile for life. After such an example, it will hardly be thought that prosecutors are easily found in a West-Indian island, upon laws so unpopular there, as the acts for the Abolition of the Slave Trade." p. 24.

In this unavoidable absence of the highest kind of evidence of the fact of an illegal Slave Trade, we revert to that inferior kind of testimony of which we are in possession.

The first case we shall state, is that of Charles, a Negro-boy, who, in the year 1814, was smuggled into the island of St. Christophers. By the humane exertions of Dr. Hamilton, a physician, who had recently come to reside in that island, the boy was discovered and liberated, after a servitude of several months. The purchaser of the lad was then indicted for felony, before the Court of King's Bench and Common Pleas of the colony, under Mr. Brougham's Act. The illegal importation was distinctly established, but it was justified on the plea that the importer *had been actuated solely by a humane solicitude for the boy's happiness*. It was proved, however, that this philanthropist had punished the object of his tender mercy with fifty lashes of the cart-whip, for having

eaten some biscuit which he found in his master's house. The jury, nevertheless, acquitted the prisoner; and Dr. Hamilton, the prosecutor, was compelled, by threats of tarring and feathering, and even of assassination, precipitately to quit the island in which he had become an established resident*.

Secondly, In a newspaper published in the island of St. Croix, several years ago, an advertisement will be found with the signature of Mr. Du Bois, the collector of customs in that island, (then under the British government), stating as a notorious fact, that a large number of slaves had been illegally imported, and offering rewards for the discovery of the offenders.

The African Institution, in their present Report, refer to documents in their own possession, as containing evidence of various recent illegal importations. We have thought it our duty carefully to inspect those papers, with the perusal of which we have been favoured. It is unfortunate that, without a violation of good faith towards the writers, their authority cannot at present be publicly quoted. They are men, however, whose names would add great weight to their testimony; who have enjoyed, in the West Indies, singular opportunities of observation; and who are themselves well known in the societies in which they reside as men of rare sagacity, uprightness, and learning. In these importations, Nevis, the island we have already cited as our example, has had her full share.

This documentary evidence, we trust, will, ere long, be communicated to the world. In the mean time, we pledge our own veracity to our readers, in full corroboration of the statement made on this subject in the Report. The letters which we have inspected contain proofs the most ample, precise, and convincing, that within

* The papers containing the statement of this case are in the possession of the African Institution.

the last four years, and especially in the year 1814, the practice of smuggling Negroes has been carried on to a considerable extent in several islands. That there have been no convictions for such offences, under Mr. Brougham's Act, is true. This phenomenon, however, is not very strange, in Nevis for example, where Mr. Huggins rules the Assembly, and Mr. Lockhart Gordon presides on the Bench; nor in St. Christophers, where the purchaser of the Negro Charles was acquitted; nor in Antigua, where, at the bidding of his master, a slave is, in the face of day, subjected to the tortures of the chain gang, and that for years even without the form of a judicial inquiry; and where a regulation has been lately adopted by the corporation of the capital of the island, forbidding the burial of free persons of Colour in consecrated ground, and setting apart a place of interment for *felons and free Negroes*.

Not only the temper of White judges and juries, however, but the particular mode of this illegal traffic protects those who engage in it from legal punishment. This system is accurately detailed in the Report before us. The direct African trader unships his victims in some foreign colony, frequently in the Swedish island of St. Bartholomew. From this depôt, as occasion offers, they are removed by night in droghers, or small coasting vessels, to the neighbouring British colonies. Here they are put on shore in districts the most remote from the two or three towns which these settlements contain, and immediately placed in the gang of some secluded plantation. If landed in other places, they are disguised as sailors or passengers, and are soon absorbed into the mass of the Black population*. There is in Nevis a man who is well

* These precautions are adopted more with a view to elude the vigilance of our cruizers, than from any danger of interruption from the colonists.

known to act as a general consignee to such adventurers, and who is growing rich by the commissions he receives on these felonious transactions.

These however, it may be said, are insulated cases. The slaves introduced may be few in number, and bear an imperceptible proportion to the existing stock. Any fact shewing a frequent and copious introduction of African Negroes would much more conclusively prove the necessity of further prohibitory regulations. — Fortunately for the argument, the Report before us furnishes an answer to this objection also.

“ There is a colony in which the copious actual introduction of slaves, by contraband means, is not only reported on good authority, but may be demonstrated from public facts, officially attested, more conclusively than by many convictions.

“ In Trinidad, by the last official returns prior to the Abolition of the Slave Trade, the number of slaves did not exceed 20,000, being but a small increase from 1805, when their numbers are stated by Sir Wm. Young, from returns of that date, to have been 19,709. The intermediate loss by an excess of deaths beyond births must have nearly equalled the whole numbers imported, though there can be no doubt that these in 1806 and 1807, had been unusually large. Nevertheless, from the 1st of Jan. 1808, when legal importation from Africa ceased, the slave-population there appears to have rapidly increased. The returns of 1810, being 20,729, and for 1811, 21,288.

“ In the following year preparations were made by his Majesty's Government for registering, in public books of record, the names and descriptions of all the slaves in the island, for the important purposes of precluding the illicit increase of their numbers. An Order of the King in Council for establishing such a registry was passed on the 26th of March 1812, and in the year 1813 blank books for containing the registry were prepared in this country, and transmitted to the island; it having been found that books proper for the purpose could not be procured on the spot. From inattention to the returns

of the latter years, or from their not having then been received by Government, it was at that time computed that the numbers to be registered would not exceed 17,000 or 18,000, and the register books were therefore fitted to contain not more than 20,000 names and descriptions of slaves. Long after their arrival, and when the returns were for the most part made, the registrar, an intelligent gentleman, long resident in the island, supposed that the numbers would not exceed that amount, and that his books would consequently contain them.

"What was the result? The books were found insufficient; new delays were consequently incurred; additional books were sent from England; and by the month of December 1813, when the original registration was completed; no less than twenty-five thousand seven hundred and seventeen slaves were found to be returned on oath, with their names and descriptions, as owned and resident in Trinidad, and were registered accordingly." p. 27.

From all these premises we think that we are intitled to infer the reality of a large importation of Negroes into the West-Indian Islands since the Abolition of the Slave Trade. But in submitting to Parliament a measure for rendering such an evasion of the law impracticable, we by no means think that it is necessary to establish that fact. Legislatures act, to prevent as well as to remedy evils,—to obviate an apparent danger, not less than to cure a present mischief. If, therefore, we can at present shew that a contraband Slave Trade is likely to arise hereafter, we are entitled to demand of our lawgivers some adequate security against a mischief so formidable. It is a supine inactivity, and not a prudent hesitation, to omit, on such a subject, any reasonable precaution. Even the mere probability of a future violation of the Abolition Acts might be shewn to be an enormous *present* evil. Such a prospect is unveiled to the eyes of the West-Indian planter quite as distinctly as to those of an English legislator. But the anti-

cipations which fill the bosom of the latter with anxiety will produce a very different effect on the mind of the former. If excessive labours should wear down his gang, or if insufficient food more slowly undermine their strength, there is a resource open to him by which he may hereafter recruit his stock. If to secure the fruits of a season unusually abundant, extreme and pernicious exertion, night work, and Sabbath-day labours become necessary, the planter perceives that he can pursue his hazardous vocation without the risk of a loss quite irreparable. When an American war raises the price of food, or a bad sugar-market diminishes his ability to purchase it, the consequent waste of life is not an evil which admits of no remedy. Africa, he trusts, will in future, as in times past, supply the consumption of the West-Indies; and he, therefore, in pursuance of his ancient system, prefers the importation of active men from that devoted continent, to the expense of rearing at home helpless and unprofitable infants.

A settled conviction, in the mind of the master, that no supply of labourers can possibly be procured; is the foundation of all real amelioration in the condition of slaves, in whatever country slaves are employed.

Such are some of the many calamities which a contraband trade in African Negroes, or even the hope of such a supply, would inflict on the present stock of slaves in our colonies. But what language can describe the endless forms of wretchedness with which the miserable captives themselves would be visited? The trade which was formerly carried on in the face of day afforded its victims some slight mitigation of the horrors of their condition. The dealer in slaves, then frequented the society of other men without infamy, if not without reproach. He had still some repu-

tation to forfeit, and had not wholly ceased to respect himself. The vessels sent to Africa were fitted out by men of large capital, who had the means of providing whatever was necessary to support the lives of their Negroes, and the brutality of the masters of ships, as well as the avarice of their owners, was in some degree restrained by parliamentary enactments. Yet still the history of a passage to the West Indies was a tale at which the heart of every man who heard it revolted. With what a dreadful addition, then, of calamity must not the same voyage be attended, when smuggling slave ships cross the Atlantic! An African smuggling vessel, conducted by a band of needy ruffians, scorning alike the laws of God and the opinions of men, with neither property to maintain nor hearts to pity their victims, would exhibit a spectacle over which demons might exult. Still, however, there is a far wider field, which an illicit Slave Trade would overspread with horrors. The unnumbered tribes which people the continent of Africa would again become a prey to the miseries from which they have in a degree been rescued. Treachery in its most terrific shape, savage and un pitying wars, pillage, rapine, and slaughter—every malignant passion, and every form of wickedness, would again desolate that unhappy land. For such horrors who would not wish to see an adequate cure? Against such risks who would not desire to take a sufficient security? How far the remedy which the African Institution has proposed to the consideration of the Legislature will, if adopted, attain these objects, we now proceed to inquire.

On the 28th of March 1812, an Order in Council was passed for the establishment, in the island of Trinidad, of a general Registry of Slaves. The details of this measure, which are very voluminous, will be found in the Appendix to

the Seventh Annual Report of this Society. Nothing beyond the general outline of it need be stated in this place.

Within one year from the promulgation of the order, every proprietor in the island was required to make, on the same day, to a public office created for the purpose, a full return of the number of his slaves; in which the names, ages, and stature of each were to be specified. These were denominated the *original* returns, and the record of them the *original* Registry. An exact compliance with these regulations would, it is evident, furnish a perfect enumeration and description of all the persons within the colony, who, at the time at which it might be made, were in a servile condition. Deaths and births, enfranchisements, and importations from other British settlements, would, however, continually be changing the numbers of this class of society, and the original Registry would consequently become erroneous. Annual returns, therefore, were directed to be made by all the proprietors, specifying, upon oath, with similar minuteness of description, every slave who had been added to their stock since the latest return; and certifying in what manner every diminution in their numbers had taken place.

The Registry, when completed, was to form the sole evidence, in all judicial proceedings, of the servile condition of persons resident in Trinidad, or of the right of property in a slave. On every question of slave or free, the production of an extract from the Registry, certified under the hands of the proper officer, was made to be essential to the proof of the master's title. The absence of such an entry was declared to be conclusive evidence of the freedom of the asserted slave.

Provisions were introduced for remedying involuntary errors in the

return; to protect the rights of infants, lunatics, and married women, and of persons claiming a future or reversionary interest in a slave. It was obviously equitable that they should not suffer by neglects in completing the Registry which they were unable to prevent.

Exact duplicates were to be transmitted to the Colonial Office in England of all returns, whether original or annual.

The Registrar himself was not allowed to possess any slave.

No suit, instituted under that order by any person claiming his liberty against a pretended owner, was to be barred on the ground of the alleged servile condition of the plaintiff or prosecutor; and the evidence of indifferent persons, being or alleged to be slaves, was to be admitted in all actions or prosecutions commenced under the Order in Council, subject, however, to all just exceptions to their credit.

Such was the general substance of the Trinidad Order. By subsequent orders of the king in council, the same system was extended to St. Lucie and to the Isle of France. The African Institution now proposes to establish, by an Act of Parliament, similar Registries in every dependency of the British Crown in which there exists any slave population. For this purpose a bill was brought into Parliament by Mr. Wilberforce at the close of the last session.

How such a measure is adapted to correct the evils we have noticed is therefore the first subject for consideration.

The efficacy of the law will depend, of course, upon the accuracy with which it may be carried into execution. No regulation, however, we conceive, could have been more skilfully framed to avoid the danger of fraudulent or careless deficiencies. In the first place, the Registrar himself, whose emoluments will be derived from fees payable on the returns, and which are proportion-

ed to the number then found in them, has a motive to scrutiny and exact investigation on which considerable reliance may be placed. But further, as the law would give to every person omitted in the Registry, a right of action for the recovery of his freedom, and as the Registry would in that action furnish the plaintiff with conclusive evidence in favour of his demand, no reasonable doubt seems to exist of the general punctual observance of the order.

Suppose, then, an illegal Slave Trade to be carried on with an island in which a Registry has been established — The imported Negroes, if omitted in the annual return, would, by that omission, acquire the means of asserting and obtaining their deliverance; and the smuggler would have violated the law, not only without advantage, but with the most extreme risk of detection. Or should the asserted owner tender to the Registrar for insertion the name of the Africans he had illegally purchased, he must accompany his return with a specification, on oath, of the manner in which his title had arisen. Now there are two modes only in which a right to a slave can, without a violation of Mr. Brougham's Felony Act, be acquired; namely, by purchase within the same island, or by importation from some other British colony. If the former title was asserted, the want of a corresponding return from the pretended seller would at once detect the fraud. If the title by importation was insisted on, the absence of an entry in the books of the custom-house would, with no less certainty, convict the offender. A planter, therefore, holding in bondage a new African Negro, would be equally unable, with safety, either to omit or to insert his name in the annual returns. In other words, the Negro would become a dangerous and useless incumbrance. Smuggling, therefore, would cease, not only because it might lead to

punishment, but because it would produce no substantial advantage.

The planter, however, it may be thought, would evade the difficulty by detaining his victim in bondage without attempting to register his name, and continue in quiet possession, from the slave's want of language or opportunity to assert his freedom. The sagacity of the framer of the bill has anticipated this danger. Free men, as the law now stands, may possess the most absolute right of property in a slave by prescription, or by any of the various titles under which other real estate or chattels are held. But in Trinidad no species of title is sufficient to establish the right of the owner, unless the name of his slave appears in the public Registry. The proprietor of an unregistered slave, therefore, could neither sell nor devise his bondsman; for of course no purchaser would be satisfied with any title not confirmed by the Registry. A planter, therefore, who should import illegally an African slave, would not only expose himself, as we have shewn, to the extreme risk of detection and consequent punishment and loss, but he would actually pay his money for the purchase of a property in which he never could acquire any transferable or transmissible interest. Such transactions need not be much apprehended.

The greater number of West-Indian estates, it is also to be observed, are managed by agents and attorneys, the owner residing in England. Persons of that description, if accessory to the violation of the existing laws, are, as we have shewn, very much out of the reach of discovery, and may, not unreasonably, be supposed frequently to concur in such practices to gratify the avarice of an employer. But by the proposed Act they are required to make the return in their own person; and they, as well as their principals, are to be visited with all the penalties of fraudulent state-

ments. Now, in the first place, it is probable that the proprietor of an estate, however pliable his own conscience, will hesitate in trusting his property to the management of a man whom he could bribe to commit so gross a perjury: and secondly, it may be presumed, that few agents would, for the benefit of any principal, involve themselves in a system of felony, perjury, and fraud, so intricate and so easily detected.

For all these reasons we confidently anticipate the total cessation of contraband slave-trading in our colonies, whenever the system of registration shall have been fully established. Great indeed would be that blessing: we should then have a better hope that civilization might advance in Africa, unobstructed by the malignant influence which has so long impeded its progress. In the West Indies, an amelioration, substantial and permanent, would mitigate the horrors of a slavery more severe and oppressive than any which has ever disgraced the history of mankind. Selfish interest would then become the ally of humanity, instead of its fatal enemy; and men would learn that the humane care of their slaves was an essential precaution against their own irreparable ruin.

This is the first and principal advantage which the advocates of the present measure contemplate. Others of less magnitude, indeed, though of no slight moment, remain to be stated.

1. The British slave-colonies contain, on a moderate computation, little short of one million of the natives of Africa or their descendants. Of these persons, an immense majority are in a state of absolute slavery. They possess no civil rights. They have not, in the case of the most extreme and cruel injury which may be inflicted on their character or their persons, the power of maintaining any suit for the redress of their wrongs. Property, the most inconsiderable, they cannot acquire

under any title which secures, for an hour, its inviolability. They have no legal protection against an eternal separation, whenever the necessities or the caprice of their owners require it, from their homes, their wives, their husbands, their parents, or their children. A father may mourn over the birth of his offspring; for he can give them no other inheritance than his own sad condition of ceaseless bondage. A husband cannot enjoy the sacred luxury of conjugal affection; for a legal execution may separate him for ever from the chosen friend of his bosom. Every relation of life is rendered insecure, and every generous emotion extinguished. Punishments the most severe and humiliating are, by solemn legislative enactments, provided for the slightest offences of this degraded caste. Their evidence, in all judicial proceedings, is not only uncredited but inadmissible. Their complexion raises against them the presumption of a servile condition. For their daily pittance of food and raiment, they depend wholly on the justice and resources of their master. From this dreadful condition they can never be emancipated, without the payment of an enormous tax; and life presents to them no better hope than a refuge in that last sanctuary where the wicked cease from troubling and the weary are at rest. Over these wretched captives, a few Europeans exercise an unlimited authority, legislative and domestic. To such beings as Huggins at Nevis, and Hodge the murderer at Tortola; and to White Men, in whose society these, and such as these, have ever found a courteous and easy admission, have the people of Great Britain, the zealots and champions of freedom, confided the persons and the lives of this unprotected race of men. Let the lovers of compliment eulogize these slave-masters as they will; for ourselves, we trust the day will never arrive, when their proceedings will cease to be watched with the most jeal-

ous, vigilant, suspicious, scrutiny. Is it in England, where the remotest apprehension of danger to our political freedom animates millions to resistance, that they who exercise an uncontrolled tyranny, civil and domestic, are to pass for men above suspicion and reproach? Do we "start with indignation," if but a passing breath in Parliament seem to invade the liberty of the subject, yet lavish our courtesy upon a legislature of slave-drivers? Such are not *our* feelings, and we plainly profess to rejoice in the prospect of any regulation, which, if it will not render cruelty and oppression impracticable, will at least, by the continual exposure of the state of the slave gangs, augment the means of detection and punishment.

2. It is among the many opprobrious peculiarities of the West-Indian system, that it has created a legal presumption in favour of slavery; so that every person in the islands, who does not boast a pure European descent, is, in all judicial proceedings, assumed to be a slave, until he can prove himself to be a freeman. When the importations of African Negroes into our colonies commenced, and for some years after that period, it was doubtless the fact, that a Black complexion was the certain indication of a servile condition. It was then probably true, without one exception, that every African who was found in a British settlement, had been previously reduced by violence to a state of bondage.—The West Indies possess a written and an unwritten law. Their statute-book contains the former: usage of an origin comparatively modern is the sole foundation of the colonial *lex non scripta*. English lawyers would, we apprehend, vehemently dispute the validity of this whole body of traditionary West-Indian law; but difficulties of this kind are not much regarded in the supreme courts of Jamaica or Barbadoes. Relying on customs which have had their birth

far within the date of legal memory, it is the doctrine of those tribunals, that the offspring of a female slave necessarily inherit the terrible condition of their mother. In the earlier times of our colonial history, it was, after this principle had been once established, probably true, that Mulattoes, as well as Negroes, were really in a state of slavery. The mixture of European with African blood could not vary their condition, for that they derived *ex parte maternâ*, and a White mother of Mulatto children was probably never seen in the West-Indian islands. If, therefore, manumissions had never been introduced into our colonies, or if free Blacks had never migrated thither from Great Britain or other countries, or if a time had never arrived when the importation of the natives of Africa was declared illegal, it would have been strictly true, that a Negro and his remotest posterity were necessarily slaves, and the legal presumption of the servile condition of such persons would have been fairly supported by the real state of the case.

But the emancipations by purchase, by grant, and by will, have been in use from a time little posterior to the origin of the Slave Trade; and though, during the last nine years, it is the admitted fact that large numbers of African Negroes have been liberated in our colonies by the operation of the Abolition Laws, yet, strange to say, the courts of justice of every one of the islands continue to act on this cruel legal presumption, with as little attention to the case of manumitted and free Negroes, as if such a class of society had not existed. As the law at present stands, if a White person asserts a right to hold his fellow-creature in perpetual slavery, the burden of proof lies, not on the asserted owner, but on the alleged bondsman. He is required, at the peril of the most severe personal affliction to which men can be subjected in this world, to prove a negative;

to shew that he is *not* a slave. In making this proof he is, by another most iniquitous principle of law, excluded from producing, as evidence in his favour, the testimony of any of that class of society, the Black or Coloured slave population, to whom alone his right to freedom and the grounds of it may often be known. In Barbadoes, and till the last two years in Jamaica also, he was even unable to summon as witnesses, the free persons of his own complexion with whom alone he can ever associate, and on his descent from whom his title to liberty frequently depends. If manumitted in the colonies, the loss of the deed of enfranchisement would destroy the only evidence by which his claim could be substantiated. Or should he be among the number of those recently imported from Africa, and restored by the Abolition Acts to freedom, his ignorance of the language of the country to which he has been removed would, of itself, prevent his asserting his right to that inestimable blessing: nay, even if he were born in this happy island, and had the unhappiness to visit our West-Indian colonies, he would be liable to be seized as a runaway, and sold into perpetual bondage, for want of a deed of manumission which, under the circumstances of his birth, he could never have possessed. He may have been born, as we have already intimated, in England, where, thank God, no documentary evidence is required to prove a man's right to freedom, whatever be his colour: he may have served the king and bled in his cause. All this will nothing avail him. His very complexion has doomed him to ceaseless servitude; to toil under the merciless lash of a driver, or to dig in the Spanish mines, for the residue of his days.

Such is the law, and such also is the daily practice of *British* colonies. It is not merely the individual European claimant, but the state itself, the Crown of Great Bri-

tain as represented by the executive government of its colonies, which continually holds the miserable descendants of Africa to this dreadful probation. Let any man take in his hands a file of Jamaica newspapers, one will scarcely be found without one or more advertisements to the following effect: Whereas —, a Man of Colour, *who asserts himself to be free*, has been committed to the public gaol of this island under the Vagrant Act: notice is hereby given, that unless within — days the said — shall satisfactorily prove his title to freedom, or shall be claimed by his lawful owner, he will, at the expiration of that time, *be sold for the benefit of the public*. This we assert to be the exact substance of advertisements which frequently appear in the West-Indian Gazettes; and any man who will take the trouble of looking into them, may satisfy himself of the fact. Nor is this shameless public insult on national justice unsanctioned by law. There is not an island in which this course of proceeding is not expressly authorized in the case of persons taken up and committed on suspicion of being runaway slaves; persons, that is to say, who are found in any of the colonies without a master, and without the legal proofs of their freedom.

Nor let it be imagined that such cases are merely supposititious, or of infrequent occurrence. The Royal Gazette of Jamaica itself, the island whose pretensions to the character of justice and mercy, in its legislative acts, are sounded so loudly in our ears, need only to be opened in order to furnish numerous cases of the most aggravated description. We have now before us the file of that paper for 1815; and we will give a specimen or two of the evidence which it furnishes. In that of the 20th May, 1815, we find the following specification of persons confined in the common gaols of the island as run-aways:—

"George Thomas, an American;

says he is free, but has no document thereof."

"Samuel Menderson, a Portuguese Creole, (no mark, &c.); says he is free, but has no document thereof."

"Joseph, a native of St. Domingo, (no brand mark, &c.); says he is free: to be detained until he proves his freedom."

"William Kelly, a Creole; says he is free: to be detained until his freedom is proved."

"John Francis; says he is a native of Curaçoa, and that he is free, but can shew no document thereof. There are marks of flogging on his back, which he says he got on board the Hebe frigate."

"Thomas Hall; says he is free."

"Antonio Belfour, a Sambo; says he is an American, and that he is free."

"David Barrow, a Sambo; says he was born at Barbadoes, and that he is free."

"Alexander Antonio; says he is a Spaniard, and that he is free."

"John Rose, an American Sambo, a sailor; says he is free."

"Antonio Morales, a Creole, of the island of St. Thomas; says he is free, but has no document thereof: came here as carpenter of the schooner Sparrow."

In the very last paper which arrived from Jamaica, that of the 18th November, 1815, we find the following insertions in the gaol lists; viz.—

"John Dixon, a Creole; says he is free, but has no document thereof."

"John Messar; says he is free, but has no document thereof."

"Edward Brian Wardins, a Mulatto Creole; says he is free, but has no other document than a pass, signed John Wardins, who says that he is his son, and was born free."

"William Bennett, a Creole; says he is free, but has no document thereof."

The Gazette of each week exhibits similar, and not less numerous, instances.

Here let it be recollected, that all the individuals in the above list (and these form probably not a tithe of the cases of precisely the same nature which have appeared in the Royal Gazette of Jamaica, during the last year alone), allege that they are free. There is no contrary allegation: they are not claimed by any one as slaves. And yet because they cannot produce documentary evidence of their freedom, a species of evidence which perhaps they never could have possessed, or may have lost, they are, after a certain time, by the fiat of the Jamaica Legislature, to be sold to the best bidder, precisely as strayed horses or mules who have been impounded but not claimed would be sold; and the proceeds of this sale, (the price of blood!), after defraying the gaol expenses, are to be paid into the treasury of the island. Is it possible for an Englishman to contemplate such a state of things as this without horror: and are we not bound, in the sight of God and man, to provide an adequate remedy?

Now, for this enormous evil, the Registry Bill *has* provided an adequate remedy. By ascertaining the servile condition of every man who is really a slave, it will protect from illegal bondage every man who is not so. No other evidence will hereafter be necessary or admissible, but the certificate of the Registrar, in any question of slave or free; and that evidence, from the nature of the case itself, will, it is plain, be liable to no uncertainty or error. If this measure accomplished no other object, it would be no slight gain to the colonists, and to our common country, that a scheme was found of abolishing a practice so revolting to every feeling of our nature, and so repugnant to every principle of humanity and justice.

3. To descend to a much lower, though not an unimportant consideration, let the benefit be next estimated which the absent proprie-

tors and mortgagees of West-Indian estates will derive, from a system which provides the greatest possible security against the fraudulent abduction of their property or their pledge. In this country, a debtor in possession of his estates, or an agent entrusted with real property, is restrained from the practice of any very ruinous frauds, by the immoveable quality of the property itself. Land may be injured by neglect, but is secure from destruction. But in the West Indies, the planter, or manager, is necessarily intrusted with the sole direction of the slaves, who form the most valuable part of the estate. They are at the absolute mercy of his brutality or avarice. They may be depreciated by insufficient or unwholesome diet, or may be removed from the plantation for the purpose of sale in some foreign colony. Of this gradual but destructive loss, the resident in Great Britain may remain ignorant until it has become irremediable. This danger, it may be thought, is imaginary: of its reality and extent, let the following fact be taken as an example:—

In the year 1788, M. de Chacon, at that time the Spanish Governor of the island of Trinidad, published a proclamation, offering to all who would settle within the limits of his government, grants of land, and an indemnity against the claims of their creditors. The consequence, as is perfectly notorious, was, that a large body of British planters quickly transplanted themselves and their Negroes to the asylum thus thrown open to them. A large body of the present European inhabitants of the island is constituted of these bankrupts, who at this day have all become honourable men, and worthy colonists of the island of Trinidad.

We certainly do not expect, even from the representatives of Ferdinand, any future proceeding quite so profligate as this; but it is no unreasonable strain of suspicion to think, that the planters who sought

and obtained this shelter from their creditors left behind them, in the British colonies, others whose notions of integrity were not much more rigid than their own. Against such perils, the Registry Act will afford a great protection. The merchant or proprietor, in England, will be able, by application at the General Office to be established in London, to learn, with perfect accuracy, the state of the gang. Any unusual diminution of their numbers will awaken suspicion and inquiry; and the depreciation of his property will not take place without an immediate investigation of its cause.

4. Connected with this security to the owners of estates, is an important additional protection to the slaves. Absentees from the West Indies are often utterly ignorant of the real state of those colonies. Among them are many men eminent for active humanity, and zealous friends of the African race. They have inherited property which they have never seen, and have adopted the opinions of the agents to whom the management of their plantations is confided. Nothing can be more important than to provide such persons with official returns, specifying, with precision, the annual fluctuations in the number of their Negroes, and the causes to which any decrease is ascribed. We could mention several estates in the Leeward Islands on which, during the last few years, a diminution in the stock of slaves has taken place, for which the ordinary course of human life affords no satisfactory solution. Englishmen happily are not often of a temper to tolerate these things; and we are persuaded that nothing but a lamentable ignorance of the real condition of the Negroes, from whose labours their incomes have been drawn, has induced the great body of English absentee proprietors to tolerate them so long.

Hitherto we have noticed only the general outlines of the project

presented to the world, by the African Institution. For a further development of these views, we must refer to the Report itself. On one or two points in the proposed Bill, we beg to offer a few suggestions. This, however, we do with great diffidence. A measure which has been concerted with so much care has usually a dependence of parts which may be endangered by subsequent alterations, however apparently judicious.

In the first place, then, it appears to us, that there is one case in which the emancipation of the slave, in consequence of his omission in the Registry, may be attended with much inconvenience. A Negro labouring under any inveterate complaint, or who is disabled by age or infirmity from engaging in field labours, is an incumbrance on the estate of his owner. His manumission is to his master a benefit rather than a loss; because, with the cessation of his servitude, the legal obligation of supporting him expires. Such a Negro, therefore, might be intentionally omitted, in order to deliver the plantation from so useless a supernumerary. The justice of this suspicion some may be disposed to dispute. No planter, it will be said, is so totally devoid of humanity as to dismiss a fellow-creature, who, without any wages or recompence, has spent his days in incessant labours, to starve in his old age, or amidst incurable infirmities: a horse or a dog deserves and usually receives a better fate. Such a doubt sounds plausibly enough: but what is the fact? We answer, that without any one exception, every legislature in the West Indies has passed laws, reciting the frequency of the custom of either abandoning or emancipating such persons, and providing against it by compelling the master not only to provide for his worn-out slaves, whom he might otherwise turn adrift; but in case of his emancipating them, to pay in some islands 100*l.* and in Nevis and

St. Christophers 500*l.* currency to the treasury, as a fine on emancipation. These laws, indeed, as far as they limit the power of manumission, we quote not to commend them. As they are made to apply not merely to the case of masters, who, from sordid motives, would emancipate their useless bondsmen, but to all who, under any circumstances, would emancipate a slave, they prove an enormous and cruel tax on manumission, and manifestly have their origin in the poor and base policy of preventing the increase of the free Coloured population. That they are not really framed with the honest purpose of providing for the support of the manumitted Negro, is clear from hence, that they direct the payment of the money into the public treasury, and, except in two or three islands, contain no provision for appropriating any part of the fund to his maintenance, in case of his inability to provide for himself. But still the recital proves, that manumissions for the purpose of avoiding the cost of maintaining disabled slaves were and would be frequent; for there is certainly no ground for imputing to these legislatures any habit of calumniating themselves or their constituents. Now the Registry Act, as it is at present drawn, provides the means of such manumissions without the payment of this tax, and affords to a master, what assuredly the framers of it did not intend, an opportunity of gratifying his hard-hearted and avaricious propensity. Perhaps, therefore, it would be an useful addition to the Bill to impose a pecuniary penalty on a master omitting to return any slave in an infirm or disabled state; the money to be paid to the treasurer or some other officer of the island, for the benefit of the Negro omitted.

The insertion of the lists of personal and plantation slaves, in distinct and separate books, appears to us to be liable to some objection. At the opening of the Registry, a master of slaves might not be in

possession of an estate; but, as is a very usual practice, might live upon the profit made by *jobbing* them, a term familiarly applied to horses in England, but in the West Indies to human beings, let out to hire. After the completion of the returns, the jobber might become a planter. Now in this case, the original return, which would be that of *personal* slaves, would not rightly specify the real condition of the slaves. It must therefore be corrected, and a new list of them opened under the head of *plantation* slaves; and a similar change from one book to another must be made as often as a similar change in their condition occurred. Great confusion might thus be created.

Still more effectually to obviate the danger to be apprehended, of substituting new captives of the same age and appearance, in the place of such as might die, it might be prudent to require, from the medical practitioners attending the slaves, an annual certificate, on oath, of the deaths which had occurred during the preceding year, with the times and the occasions of them. Such a statement would not only serve as a check on the accuracy of the planters' annual return, but would obviously answer many other most important purposes.

Some degree of inquisitorial authority also might properly be confided to the Registrar; we mean, that he should be required to take the examination, on oath, of every person alleging himself, or represented to be held in illegal slavery. Perhaps even a personal inspection, by this officer, of the different slave gangs in the colony, on a circuit to be made for that purpose, would not be unnecessary or impracticable. The great danger is not that an illegal importation would escape detection, where a complaint was made, but that the sufferer might languish in a remote district, without the opportunity of stating his grievances.

Our readers will observe, that

we have not hitherto noticed the objections which have been made to this measure. They, doubtless, deserve attention; and we should ill discharge the duty we have undertaken, if we omitted the consideration of them. At the same time, we think there are one or two of the most sounding to which ridicule may be far more fitly applied, than any serious refutation.

"The West-Indian islands will rebel. The American war will be repeated on a new theatre, and with renewed horrors."

A rebellion is, doubtless, a very formidable thing; and so thought the nation of Lilliput, when overshadowed by the figure of the sage Lemuel Gulliver. But that great traveller, taking up a handful of the rebels, found means to put a speedy end to the sedition. Mr. Huggins certainly is a formidable man with his cart-whip in his hand, in the market-place at Nevis; but will that illustrious legislator, and his 500 White brethren, put themselves in array against the battalions who fought at Waterloo, or even against a single West-Indian regiment? Will the associates of Wellington tremble before the 583 White inhabitants of Tobago*? or, are the 683† Europeans, in Grenada, ruling as they do over 30,096 slaves, likely long to resist the arms of Great Britain?—"But the danger," we are told, "is from Jamaica. There is to be found there a formidable population, powerful, and, as the resolutions of their Assembly shew, resolute, to resist." Strange indeed is the effrontery of such a declaration! In that island there are 319,912 slaves, and about 12,000 White inhabitants, men, women, and children. The whole military force which they could possibly raise, would not amount to 2,000 men. Is such a puny multitude to intimidate this great nation from the pursuit of any fit and laudable

design? Or, if they had the ludicrous daring to make the attempt, would their bondsmen lose so fair an occasion of breaking their galling chains? Is it from Jamaica, whose slave-masters, but for our daily protection, would have the knife at their throats to-morrow, that we are seriously to dread resistance? In the case of America, we had the whole resident population firmly opposed to our claims. Here we have nine-tenths, or rather nineteen-twentieths, of the population imploring our merciful interference. Besides, with whom would the contest be carried on? With the planters, or their mortgagees, most of whom are resident in England? With the Beckfords, and Dawkinses, and Hibberts, and Mannings, &c. &c. &c. whose vassals and dependants in the West Indies wait only the motion of their hand to acquiesce in the measure when once adopted? But it is idle to pursue this point further.

The weakness of these little communities will not, however, alone justify an interference in their domestic government. Our right to legislate for them must be founded on some other basis than our unquestionable power to enforce the execution of our laws. Now, the existence of such a right is a very grave question of constitutional law; and, like every similar question, must be decided by recurring to the *fontes juris*, from which all constitutional law has been derived.

The right of the British Parliament to legislate for every part of the dominions of the Crown, actually represented in Parliament, no one has ever controverted.

That this is not a right arising out of any positive convention, is plain. In the American Commonwealth, there was a real formal contract to submit to such laws as should be passed by Congress, to which every free man in that country became, for himself and

* See House of Commons papers.

† Ibid.

‡ Ibid.

his posterity, a party. This is a single case in history. In the British, as in every other empire, ancient and modern, the great social compact of which our forefathers spoke at the Revolution, is a tacit and implied agreement. It is not reduced to distinct and formal stipulations; nor can any fundamental charter of government be quoted, in which its provisions are to be found. The right to govern rests, it may be, upon that contract; but the extent and limitations of that right can only be ascertained by usage and prescription. No other evidence of the terms of the original agreement can be found. What has been the habitual practice of the constitution in times past, may therefore be legally continued in times to come. The usage itself is the best possible proof which could be given, that our ancestors had recognized the legality of such acts in the original compact of government.

An exception of bad times is indeed, in some cases, and with much caution, admitted. In days of usurpation and violence, the will of the strongest usurps upon the settled course of law, and the acts of such days may not therefore be quoted as precedents. Thus the proceedings of the Long Parliament would afford no vindication to any similar irregularities at present. But generally it may be stated as a settled rule, that whatever can be shewn to be the habit of the constitution, is the law of the constitution.

The question, therefore, of the right of the British Parliament to legislate for the colonies, is reduced to a narrow compass. Has such a right, or has it not, been asserted and acted upon in former times? The answer to this inquiry will solve the doubt.

We assert then, and are prepared to shew, that the Parliament of Great Britain has, in many cases, and during a long succession of years, passed laws for the regulation of the internal government of

the Plantations dependent on the British Crown; and that those laws have been received, and are now acted upon, without complaint or remonstrance.

The Acts of Navigation are the earliest in the statute-book which contain any express regulations as to the interior government of the foreign colonies of this kingdom.

The two first of these Acts* were passed in the 12th and 15th years of the reign of Charles II., and not long after the settlement of Jamaica. Though too long to be conveniently abridged or abstracted in this place, they will be found, on a reference to them, to contain very minute directions as to the import or export of goods in the Plantations, and numerous provisions for enforcing *within the colonies* the due observance of those directions.

These Acts have been since† frequently recognised and modified, as to the colonies, by a great number of subsequent statutes; and in all of these later Acts, the principle of intervention with the internal legislature, for the purpose of carrying the laws into effect, has been uniformly asserted.

In the 7th and 8th of William III., c. 22, an Act was passed "for preventing frauds and regulating abuses in the Plantation trade." The general purpose of this statute is to render the Navigation Acts more effectual, by the enactment of numerous provisions for that purpose, to be executed *within the colonies*. Some of the clauses of this statute are, however, important, as shewing the views which were at that time entertained as to the general right of legislating for our colonies, in cases not merely

* See 12 Car. II. c. 18; and 15 Car. II. c. 7.

† 3 and 4 Anne, c. 5, sec. 12; 8 Geo. I. c. 8, sec. 22; 5 Geo. III., c. 39, sec. 5; 37 Geo. III. c. 97, sec. 1, 22; 43 Geo. III. c. 153, &c. &c. &c.

commercial. The 9th section is in these terms :—

"And it is further enacted and declared by the authority aforesaid, that all laws, bye-laws, usages, or customs, at this time or which hereafter shall be in practice, or endeavoured, or pretended to be in force or practice, in any of the said Plantations, which are in anywise repugnant to the before-mentioned laws, or any of them, so far as they do relate to the said Plantations or any of them, or which are in any ways repugnant to this present Act, or to any other law hereafter to be made in this kingdom, so far as such laws shall relate to and mention the said Plantations, are illegal, null, and void, to all intents and purposes whatsoever."

The 12th section is as follows :—

"Provided always, that all places of trust in the courts of law, or what relates to the treasury of the said islands, shall, from the making of this Act, be in the hands of the native-born subjects of England, or of the said islands."

The next law of similar import which should be mentioned, is that of the 6th of Anne, c. 30, which is entitled "An Act for ascertaining the rates of foreign coins in her Majesty's Plantations of America, the paying or receiving silver coins at a higher rate than that fixed by this statute."

The Act of the 4th of George I., cap. 11, "for the further preventing of robbery and other crimes," is by the 9th section "extended to all his Majesty's Plantations in America."

In the reign of George II., the right of interference in the government of the colonies, even in matters not commercial, was strictly maintained.

The Act passed in the 5th year of that reign, c. 7, entitled "An Act for the more easy recovery of debts in his Majesty's Plantations and colonies in America," makes an *ex-parte* affidavit sent

from England equivalent in their courts to a *viva voce* examination of witnesses between the parties. This Act also provided, that lands and other real estate, and Negroes, in the colonies, should be liable to the simple contract-debts of the owner; but as to the part which respected Negroes, it was repealed by 37 George III., c. 119.

By the 24th, George II., c. 53, an Act was passed to regulate and restrain paper bills of credit in his Majesty's colonies or Plantations therein named, and to prevent the same being legal tenders in payment of money.

By the 4th George III., c. 15, sec. 41, certain penalties thereby imposed, for the violation of the provisions of that Act, are to be recovered in any Court of Record or *Vice-Admiralty* within the colony or Plantation where the forfeiture may have happened.

This Act, as to this part of it, adopted in the 13th section of the 47th George III., c. 46, the Slave Trade Abolition Act; and by the 49th George III., c. 107; is extended so as to enable the prosecutor to sue for the penalties in any Court of Record or *Vice-Admiralty*, near to the colony in which such forfeiture shall accrue.

Shortly after this Act of the 4th George III., the several Tax Acts were imposed to which the origin of the American war is to be ascribed.

In the year 1766, Mr. Grenville brought into Parliament the Act (6th George III., c. 12) which has been usually quoted by his name, or as "the Declaratory Act." The language of that statute was as follows:

"Be it declared, &c. that the colonies and plantations in America have been, are, and of right ought to be, subordinate unto and dependent upon the Imperial Crown and Parliament of Great Britain: and that the King's Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons of Great Britain in Parliament assembled, had, hath, and of right ought to have, full power and authority to make laws and statutes of

sufficient force and validity to bind the colonies and people of America, subjects of the Crown of Great Britain, in all cases whatsoever."

The Acts of the British Parliament, during the American war cannot, perhaps, be quoted as authorities as to the right of this kingdom to legislate for her colonies. It will be more material to consider in what terms that right was limited, at the period when it was the policy of Great Britain to conciliate the colonists by the most ample concessions which she could make consistently with her claim of sovereign authority.

The 18th George III., c. 12, which was introduced for this purpose, is thus expressed :—

"It is hereby declared and enacted, that, from and after the passing of this Act, the King and Parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty's colonies, provinces, and plantations in North America, or in the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce; the net produce of such duties to be always paid and applied to and for the use of the colony, province, or plantation in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective courts or general assemblies of such colonies, provinces, or plantations, are ordinarily paid and applied." p.105.

By the 31st George III., c. 31, sec. 46, commonly called the Quebec Bill, a similar saving is made of the right of imposing duties within the colonies for the regulation of commerce.

It appears from the above statement, that the Declaratory Act of the 6th George III. remains unrepealed, except so far as respects the claim of the right of taxation, which was *partially* abandoned by the statute of the 18th George III., c. 12.

It appears also that, even at the moment of concession, the British Parliament did not disclaim the right of interfering in the interior

concerns of the colonies; but that, on the contrary, that right was even then, as to one very material point, expressly asserted. Nothing therefore, it should seem, can be collected from the statute-book to shew that at the time of the American war the claim in question was in any degree abandoned.

Since that time instances of interference have been very numerous. See Lord Liverpool's Register Act, 26 George III., c. 60, and especially section 21. In the 43d section of this Act there is a sweeping confirmation of all the Acts therein recited, most of which contain provisions to be executed within the colonies, and, *inter alia*, the statute 7 and 8 William III., c. 22, of the ninth section of which we have already given an abstract. See also the General Free-Port Act, 45 George III., c. 57, and the various Acts thereby consolidated; also the various Acts for regulating the trade between the West Indies and the United States.

As Parliament has rarely had any motive to make laws for the interior government of the colonies, except in cases relative to navigation or trade, the instances of Acts extending to them in other cases are not so numerous, nor indeed so easy to find, because particular Acts have been extended to them, in some cases of mere municipal policy, by a section, of which no notice is taken in the general indexes to the statutes.

The following instances, however, may be given. By the 13th Geo. III. c. 14, mortgages of lands in the colonies to foreigners are made valid, under certain restrictions, notwithstanding the mortgages may be aliens; and in the 12 Geo. III. c. 20, as to persons standing mute on their arraignment for felony, there is a like express extension.

If, then, precedent can ascertain constitutional law, the legislative right of the mother-country over her colonies, with respect to every

subject of legislation, is unquestionable. But a system of government *may* have grown up so oppressive and tyrannical as that no usage can justify it. The particular practice may violate the great essential principles of the constitution. Men are bound to conform to the laws of their country, and for that reason to resist any custom, however sanctioned by time, repugnant to such of those laws as we justly consider to be fundamental. Thus, it is stated by the colonists to be one of the inviolable principles of the English Constitution, that no persons shall be subject to a law not allowed by their representatives in Parliament; and they quote the American war as a conclusive proof at once of the existence of the rule and of the danger of infringing it.

If this reasoning is accurate, by whom, we would ask, are laws to be made for the government of the Negro population of Jamaica? Of every twenty-five persons in that country, twenty-four are of this condition. The Assembly of the island is, in fact, the representative body of one twenty-fifth part only of its inhabitants. The rest are, by an eternal proscription, excluded from all share in the insular legislature, and from all right of voting for its members. In England, he who has no vote to-day may acquire a freehold and exercise his franchise to-morrow. The Catholic, against whom the doors of Parliament are now closed, may at least vote at elections, and, by disavowing a profession of faith which the constitution regards as hostile to the state, may, at some future time, be numbered among the legislators of his country. A Negro and his posterity are alone, and for ever, excluded. Parliaments in England, if not elected by the whole body of the people, are at least chosen by those who may themselves be considered as a fair representation of the whole. A West-Indian Assembly has no connection of sympathy or interest the most remote with an

immense majority of those who reside under its controul. The White inhabitants of Jamaica are incomparably better represented in the British Parliament than are the Slaves and free People of Colour in the Colonial Assembly. No man, we are told, may be governed but by his representatives; but the Creole jurists have not yet informed us how, consistently with their axiom, they assume the right of legislating for free men of a complexion different from their own. Their slaves, indeed, have no civil rights — a shocking and disgraceful truth! — and therefore no representatives are wanting to protect privileges which have no existence. A fit inference for a tribe of slave-drivers! But is this great empire to adopt such logic as this from a petty band of two hundred, or five hundred, or a thousand, or two thousand, overseers, carpenters, sugar-boilers, and clerks, headed by such men as Huggins or Hodge? On what legislative body, then, does the duty of protecting the interests of this class of society devolve? Parliament is the supreme council of the empire, exercising, not by mere prescriptive usage, but by obvious necessity, a presiding authority over all the dominions and dependencies of the British Crown. To this authority there is, in most of the colonies, a limitation co-extensive with the rights of the legislatures established in those settlements. From their own premises it is shewn, that the legislative powers of those bodies cannot constitutionally extend over the proscribed class of free and enslaved Negroes. The conclusion is inevitable, that the authority of Parliament is, as to that part of the population of the islands, entire; and that it may be exercised in the establishment of a system of registration, or of any other system fit and necessary for their protection.

The five hundred White men, women, and children in Nevis, or the twelve thousand in Jamaica,

have not, so far as we know, assumed the style of distinct and independent kingdoms. Some right of controul, for some purposes, they seem to concede to the Imperial Parliament. The extent of that right, it is true, they have not defined; but to deny it wholly would be absurd, so long as they claim to form a part of the empire of Great Britain. Between the different parts of the same political system the connection is merely nominal, if a power does not reside somewhere to enforce such general laws as the common good may require to be established, at the same time, and with similar restrictions, in all the various dominions comprised within its local boundaries. The King of Great Britain is also the King of Hanover; but there is no political union between those parts of his dominions. In the establishment, therefore, of any common regulations, the States of the one country must concur with the Parliament of the other. England, Jamaica, and Barbadoes, are constituent parts of the same empire. The supreme council common to each, though locally situated in England, imposes therefore, by its sole authority, whatever laws are necessary for the common benefit. Its functions, in this respect, are not dissimilar to those of the American Congress, which regulates the common interests of the union, leaving to the legislature of each state a controul over the local concerns of its own particular constituents. If this were not so, the agents of our sugar-islands must be invested with the character of ambassadors, and the King, Lords, and Commons suspend their deliberations till they had negotiated for the acquiescence of the fifteen subordinate legislatures of our colonies. The same body which, on that supposition, might have refused its consent, might, of course, revoke it when granted. In other words, the fundamental laws of the state would be at the mercy of fif-

teen remote and separate colonial assemblies.

Navigation and trade are, eminently, subjects of legislation, with respect to which a common system must be adopted throughout all the dependencies of a maritime state. The Plantation-trade has, indeed, from the earliest period of modern European history, been the subject of most anxious solicitude to every nation which has possessed foreign settlements; and one system of policy has been common to them all. France, Spain, Holland, Portugal, Denmark, and Great Britain, have concurred in the establishment of a monopoly of the commerce of their colonies. Our own statute-book abounds with Acts regulating every branch of this system. It forms, indeed, one of the most voluminous and intricate of all the titles of the law of England. In the "Treatise of the Law of Shipping and Navigation," published by Mr. Reeves in the year 1807, that very able and accurate writer has, at great length, detailed the various provisions of those statutes. Any man who peruses the second chapter of his work will be satisfied, not only that the British Parliament has uniformly asserted, but that the colonial legislatures have repeatedly, and in the most formal manner, admitted, this right. So clear, indeed, is this, that the Council and Assembly of Jamaica, and of all the West-Indian and North-American Colonies, down to the year 1815, have annually passed laws founded upon, and giving effect to, these statutes.

Now the trade in slaves, not less than any other species of commerce, is under the controul of Parliament. In the most extreme violence of the Abolition-controversy, the West-Indian Assemblies never denied the competency of Great Britain to regulate this trade, or to prevent its continuance. The Act by which it was declared illegal, contained numerous provisions which were to be executed in the colonies. Those regulations, as we have shewn, have

been insufficient to accomplish their object. Let the Assembly of Jamaica, then, explain why Parliament, which could legally enforce the provisions of the Abolition Act, may not, without a violation of law, establish the only system which can ensure its observance;—why, being competent to decree the abolition of the trade, they are incompetent to abolish it effectually.

We are reminded, however, of the American contest and its fatal result; and history, it is said, is written to no purpose, and philosophy has commented on it in vain, if each successive generation of men repeat the errors of their fathers, and rush with open eyes into their disasters. No doubt: and we shall be among the first to expostulate against any measure which may be shewn to be at all parallel to those which alienated the American Colonies. Perhaps, however, it would be impossible to imagine any dispute between Great Britain and her Colonies, on the extent of her legislative rights, which has less analogy than the present to the American controversy. The states of Massachusetts and Connecticut were inhabited by free men, duly represented in the colonial assemblies: the West-Indian islands are peopled by slaves, with only a small body, in each, of White managers and planters, who alone have any share in the legislature, either as members or constituents. We asserted against the one, the absurd pretension of disfranchising a whole people: we claim against the other, the right to protect an immense majority of the population, who have no other protectors. In the American war, we fought to impose upon a dependent nation an internal tax, for the support of the mother-country; to take by violence pecuniary supplies, which the constitution forbids the sovereign to claim but by the free grant of his people. This was the substantial and single grievance. The legislative authority of Great Bri-

tain, in all matters of trade and navigation, and in every subject of general national policy, was never questioned by the colonists, and even in the moment of concession was solemnly asserted by Parliament. But what the millions of America did not venture to demand, a handful of planters, forgetful or ignorant of the usages of centuries and of their own legislative acts, have the arrogance to claim. The vestry of a parish of the lowest scale, in England, usually represents a larger body of constituents than the aggregate White population of St. Christopher, Tobago, Nevis, Montserrat, or St. Vincent. So much, however, are men in bondage to a name, that because half a score persons in each of those petty communities are invested with the style of Parliaments, and have forsooth their Speaker with his mace, and are permitted to exhibit a sort of burlesque parody on the stately forms of imperial legislature, a few slave-drivers and store-keepers, with scarcely literature enough to conduct the concerns of a benefit-club, are allowed to beard the King, Lords, and Commons of Great Britain, in the exercise of a right coeval with the constitution of our country. Reasoning, come whence it may, must at all times influence the conduct of reasonable beings; but dogmas and authoritative decisions are valuable or ridiculous according to the character of their authors. It is time that we should learn what measure of weight is due to the opinions of these mimics of legislation*.

* A treatise published in the year 1789, by the Solicitor-General of the Bahama Islands, affords a curious view of the interior of a colonial assembly. The number of the members was, in that year, seventeen; of whom four were planters, one the port-master of the islands, one a shop-keeper, one described as judge of petty courts, one the master of a small trading vessel, two whose means of life could not be ascertained at all, and five wreckers.

We have said thus much upon the constitutional question, which, though far too important to be wholly omitted, is yet too extensive to be discussed with sufficient fullness in this place. They who wish to pursue this inquiry further, will receive much information from this Report, and from a pamphlet published by Hatchard, in the year 1802, and entitled "The Crisis of the Sugar Colonies*."

A further objection to the law under consideration, has already been stated by the Assembly of Jamaica, and will, we doubt not, be made a very common ground of argument in the parliamentary discussions of the Bill. It is, that whatever measure may be necessary to prevent the further importation of slaves, or to remedy their present condition, the colonial assemblies are, from local knowledge, best qualified to consider; and their will, it is added, seconds their ability.—We doubt the first, and utterly disbelieve the second, of these opinions. Prejudice may darken the understanding no less frequently than ignorance. The Parliament of Great Britain, we think, is not less competent to legislate wisely for slaves whom they never beheld, than a tribe of planters who never beheld them. In the many narrow passages of the Bahamas, wrecks are extremely frequent; and a *wrecker* is a person who lives by breaking up and selling the wrecks of vessels cast away on the shores of the island. This trade is well known on the coast of Cornwall. Of such persons, the most numerous class was formed in one of those assemblies which, during the Abolition-controversy, were pompous in asserting their legislative rights, and dictated constitutional laws *ex cathedra*. Yet the Bahamas certainly contained rather a more opulent and respectable community than such as are commonly found in the Leeward Islands; and the Solicitor-General writes with no purpose of lowering the popular estimation of colonial legislatures.

* See a Review of this work in our vol. for 1802, p. 305.

but as inferior beings. The want of personal observation may, in some measure, be supplied by testimony; but what compensation can be found for the absence of impartiality and candour?

But whatever means the colonial assemblies may possess of forming a right judgment, their disposition to act rightly towards their slaves no man but West-Indians, or their dupes, we imagine, will admit*. Slavery has been known in other times and nations; and wherever man has possessed unlimited power he has abused it. But we speak the sober, measured, language of truth, when we say that a slavery so merciless, a slave code so oppressive, legislative acts and recitals so disgraceful to our common nature, were never witnessed in the darkest hour of Greek or Roman tyranny, as have been established, in this our meridian glory of freedom, knowledge, and religion, by our own countrymen, in our own settlements. This, no doubt, is easily said: we know well that it is not difficult to prove. For the present, however, our narrowing limits forbid our engaging in an inquiry so extensive. An early opportunity, we trust, will be found of verifying to the letter every thing that we have said on this subject. One suggestion, however, connected with this topic, we beg

* There is something very peculiar in the views which some of our senators have been disposed to maintain, with respect to the competency of West-Indian planters, to exercise the exclusive and uncontrolled right of legislating for their wretched slaves. We might as well have left it to the slave-merchants of Liverpool and London, and to the masters and mates of slave ships, to frame the slave-carrying bill. We might as well now leave it to the masters of our cotton manufactories to regulate, without controul, the condition of their apprentices. We might as well entrust it to the owners of illegal stills to frame the regulations by which their own infractions of the law of the land should be checked.

leave to submit to the African Institution. Hitherto all the evidence given to the public on the interior condition of the slave-colonies has been derived from the White population—from those against whom the charge of oppression is advanced. But there will be found in the islands a large number of Persons of Colour, whose liberal education and extensive acquaintance with the state of West-Indian society, eminently fit them to assist in forming an accurate delineation of it. If a fund were raised for bringing over to England a few witnesses of this class, from each of our slave-colonies, a body of testimony might be collected, of incalculable value. There are at present in this country more persons than one of this number, from whom we have received communications, as to the recent proceedings of the White colonists, to which it is impossible to listen without horror and indignation.

History affords one, and, as far as we know, only one, example of a system of slavery at all resembling that now existing in our West-Indian settlements. After the discovery of America, the Spaniards took possession of nearly all the islands now subject to the dominion of Great Britain. The aboriginal inhabitants were reduced to a state of domestic slavery. They were penuriously fed, and subjected to severe labours; but their subsistence was not less abundant, and their toils far less severe, than those of the Negroes who now cultivate the same soil. They were visited with no desolating diseases, and with no sudden and overwhelming calamities. But under the sway of their avaricious tyrants, they gradually sunk with a silent and rapid decay. Fifty years had not passed after the commencement of their servitude, when, through the whole of these fertile regions, scarcely one Charib Indian remained to mourn the extinction of his kindred, or to

preserve the memory of the independence of his fathers. That unhappy people have been swept from the face of the earth; and man has execrated, and God has punished, the inhuman cruelty of their oppressors.

In the same islands, the same awful tragedy has not yet been concluded; not because a waste of life equally terrific has not been committed, but because the wretched victims of the Slave Trade have hitherto supplied the demands which the deaths of their brethren in the West Indies have created. That resource is now partially, at least, destroyed; and to the present generation of Englishmen, the awful duty is confided of impeding the further progress of this murderous system.

For this purpose, a remedy is now proposed; we think a sufficient remedy; it may be a defective one. Of this, however, we are sure that the importance of the question can hardly be over-rated. We solemnly implore every man who reads our pages, to lay these things to heart. It is with an anxiety painful and oppressive, that we request our countrymen, at least to consider this subject. We may turn away our eyes from these scenes of slavery and oppression. But the eye of the Omnipotent rests upon them. In this day of our glory, they are a stain on our well-earned fame. In this day of religious zeal, they degrade us from the high station of the patrons and benefactors of mankind. A reformation, radical and effective, in the whole of our colonial system must be made, or the day of retribution is not, cannot be, remote. Even now a Negro Empire is rising in the Charibbean Seas, in fearful strength and energy. The slave-drivers of Jamaica may yet strut their hour as legislators, and publish their childish boasts of independence; but they have in King Christophe, and President Petion, near neigh-

hours, who may ere long, if they heed not the calls of mercy and justice, address these blusterers in a style yet more peremptory than their own.

Hitherto we have said nothing of the work which gives the title to our present article. On a question of such magnitude as that before us, a critic may perhaps be pardoned, if he forgets a little the proper duties of his calling. It remains, however, to be stated, that in this Report of the African Institution will be found a developement of the views which we have attempted to explain, far more copious and ac-

curate than our own.—Much discussion has lately taken place respecting the claims of this Society to public support. Of its clamorous assailants, we wish to say nothing in this place. Peace be to their pamphlets and to themselves;—such peace as that man can find, who views pre-eminent virtue only to calumniate it, and who interposes in works of mercy only to obstruct them. The Institution, so long as it presents to the world such works as that before us, will, we are confident, never want the cordial aid of all who venerate learning, genius, and charity.

